

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JACK JOHN C HAMANN,

Plaintiff,

v.

DR. CONRAD MAGNO, DDS,

Defendant.

OPINION AND ORDER

22-cv-245-wmc

Pro se plaintiff Jack John C. Hamann is proceeding on Eighth Amendment deliberate indifference and state-law negligence claims against defendant Dr. Conrad Magno. Before the court is Hamann's motion to amend his complaint and a proposed amended complaint, his motion for a protective order, and a motion for discovery. (Dkt. ##23-26.)

Beginning with Hamann's discovery motion, it is a request for discovery. (Dkt. #26.) As noted in the court's preliminary pretrial conference order, Hamann should not file discovery requests with the court, except to support some other matter in this lawsuit. (Dkt. #17 at 11.) The court will deny the motion and instruct Hamann to send discovery requests directly to defendant's attorney.

Hamann also seeks a protective order prohibiting defendant from using any of his medical records beyond his dental records in this case. (Dkt. #25.) He claims that defendant is seeking his mental health and substance abuse records, and he is concerned that those records will be used to humiliate and embarrass him. He further claims that he has written to defense counsel about these concerns and has offered to provide his dental records. It is unclear from plaintiff's motion whether there is in fact a dispute between the parties, and if so, its scope. The court will therefore reserve ruling on this motion pending

further briefing from the parties by the deadlines indicated below.

Finally, Hamann seeks leave to amend his complaint and has filed a proposed amended complaint. (Dkt. ##23, 24.) This motion and proposed amended complaint crossed in the mail with the court's January 10, 2023, order construing a letter plaintiff wrote to the court as a motion to amend his complaint to include a claim for punitive damages and a new factual allegation, granting the motion, and ordering defendant to supplement his answer. (Dkt. #22.) The proposed amended complaint includes all of Hamann's original allegations, and Hamann adds a claim for \$125,000 in punitive damages. (Dkt. #24 at 2-3.) Hamann also attests in an attached affidavit to the factual allegation stated in his letter: that defendant asked him how long his sentence was before performing the tooth extraction. (*Id.* at 11.)

To simplify the docket, the court will grant plaintiff's motion to amend and accept the proposed amended complaint as the operative pleading in this case. However, the court will disregard all of the legal argument Hamann inserts between pages 3 and 8. A complaint only needs to include "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). Complaints do not need to "cite authority or set out a line of legal argument." *ACF 2006 Corp. v. Mark C. Ladendorf, Attorney at Law, P.C.*, 826 F.3d 976, 981 (7th Cir. 2016); *see also Doe v. Smith*, 429 F.3d 706, 708 (7th Cir. 2005) (noting that complaints "initiate the litigation," and "factual details and legal arguments come later"). Hamann may make arguments in support of his claims when appropriate, such as at summary judgment or trial. Defendant will be ordered to supplement his answer as previously directed by the date indicated below.

ORDER

IT IS ORDERED that:

- 1) Plaintiff Jack John C. Hamann's motion to amend his complaint (dkt. #23) is GRANTED. The court accepts the proposed amended complaint (dkt. #24) as the operative pleading as set forth above.
- 2) Defendant Dr. Conrad Magno may have until January 27, 2023, to supplement his answer with responses to plaintiff's new allegation and damages claim.
- 3) Defendant may have until January 27, 2023, to respond to plaintiff's motion for a protective order. (Dkt. #25.) Plaintiff may file a reply, if any, by February 7, 2023.
- 4) Plaintiff's motion for discovery (dkt. #26) is DENIED. Plaintiff should submit discovery requests directly to defendant's attorney.

Entered this 13th day of January, 2023.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge